



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

JAN 24 2017

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-101

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

Mr. Grant Loveless
Owner
RCP Fish Farm
305 Church Avenue
Buhl, Idaho 83332

Re: RCP Fish Farm
NPDES Permit Number IDG130109

Dear Mr. Loveless:

On behalf of the U.S. Environmental Protection Agency (EPA), I would like to express my appreciation for your time and cooperation during the April 26, 2016 Clean Water Act (CWA) inspection of RCP Fish Farm ("Facility") by the Idaho Department of Environmental Quality (IDEQ) on behalf of EPA. The purpose of the inspection, and subsequent EPA administrative file review, was to determine the facility's compliance with the requirements of the Clean Water Act (CWA) and the National Pollutant Discharge Elimination System (NPDES) general permit IDG130000 ("Permit") for *Aquaculture Facilities in Idaho, subject to Wasteload Allocations under Selected Total Maximum Daily Loads*. The purpose of this letter is to notify you of the results of the IDEQ inspection and EPA administrative file review.

REVIEW OF ADMINISTRATIVE FILES

EPA reviewed the Discharge Monitoring Reports (DMRs) from January 2012 through December 2016 and found zero effluent limitation exceedances which would constitute violations of the CWA, 33 U.S.C. § 1251 *et seq.*

APRIL 2016 INSPECTION

VIOLATIONS

1. Part II.F.2 of the Permit states, "Throughout all sample collection and analysis activities, the permittee must use the EPA-approved quality assurance and quality control (QA/QC) and chain-of-custody procedures described in Requirements for Quality Assurance Project Plans (EPA/QA/R-5)¹ and Guidance for Quality Assurance Project Plans (EPA/QA/G-5)². The QA Plan must be prepared in the format that is specified in these documents."

At the time of inspection, the inspector reviewed the QA/QC documents and noted that the facility was missing several items required by the Quality Assurance Project Plans (EPA/QA/R-5) guidance. Some of the missing items include:

- table of contents,
- distribution list,
- quality objectives and criteria,
- special training and/or certification,
- analytical methods,
- quality control,
- assessments and response actions,
- reports to management, and
- data review, verification, and validation.

Failure to maintain a QA/QC plan in accordance with Requirements for Quality Assurance Project Plans (EPA/QA/R-5) is a violation of Part II.F.2 of the Permit.

2. Part II.F.3.a of the permit states that at a minimum the QA plan must include “Details on the number of samples, type of sample containers, preservation of samples including temperature requirements, holding times, analytical methods, analytical detection and quantification limits for each parameter, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.”

At the time of inspection, the inspector reviewed the QA plan and noted the plan was missing several elements. Some of the missing elements include:

- types of sample containers,
- sample preservation techniques,
- analytical methods,
- analytical detection and quantification limits,
- sample shipping methods, and
- laboratory data delivery requirements.

Failure to include the minimum requirements in the QA plan is a violation of Part II.F.3.a of the permit.

3. Part II.F.3.b of the permit states, in part, the QA plan must include a “description of flow measuring devices or methods used to measure influent and/or effluent flow at each point, calibration procedures, and calculations used to convert to flow units.”

At the time of the inspection, the inspector reviewed the QA plan and noted the plan did not include:

- description of flow measuring devices or methods used to measure influent and/or effluent flow at each point,
- calibration procedures, and
- calculations used to convert to flow units.

Failure to include elements required of the QA plan is a violation of Part II.F.3.b of the Permit.

4. Part III.C of the Permit states, “A permittee must certify that a BMP (*Best Management Practice*) Plan has been developed and is being implemented, and must submit the certification, which includes the information specified in Appendix F, to EPA and to the responsible IDEQ office (§I.C.1, above). An existing permittee must submit the certification within 90 days of the effective date of this permit.

A new permittee must submit the certification with the written Notice of Intent to be covered under this permit.”

At the time of the inspection, the inspector found that no plan certification had been submitted to IDEQ. Failure to submit a BMP plan certification to EPA or IDEQ is a violation of Part III.C of the Permit.

5. Part IV.D of the Permit states, “During the term of this permit, the permittee must prepare and submit an annual report of operations by January 20th of each year to EPA and IDEQ. A copy of the annual report and the data used to compile it must be available to EPA and IDEQ upon request and during inspections. The report must include the information specified in Appendix H.”

At the time of the inspection, the inspector reviewed the 2015 Annual Report and found that Section X did not note the quantity or disposal location of removed sediment. Failure to fully complete the Annual Report in accordance with Appendix H of the Permit is a violation of Part IV.D of the Permit.

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the permit requirements, and other appropriate statutes, and to take appropriate measures to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

If you have any questions concerning this matter, please do not hesitate to contact Raymond Andrews of my staff at (206) 553-4252.

Sincerely,



Edward J. Kowalski
Director

cc: Mr. Tyler Fortunati
Idaho Department of Environmental Quality

Mr. David Anderson
IDEQ, Twin Falls Regional Office

Ms. Maria Lopez
EPA, Idaho Operations Office